

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

RECONSIDERATION OF PRIOR DECISION
ON:

Education Code Sections 35256.1 and 41409.3,
added by Statutes 1989, Chapter 1463;

Education Code Section 41409, as amended by
Statutes 1992, Chapter 759;

Education Code Section 33126, as amended by
Statutes 1993, Chapter 1031, Statutes 1994,
Chapter 824; Statutes 1997, Chapter 912; and

Education Code Section 35258, as added by
Statutes 1997, Chapter 918.

Directed by Statutes 2004, Chapter 895 (Assem.
Bill No. (AB) 2855, § 18) as amended by
Statutes 2005, Chapter 677 (Sen. Bill No. (SB)
512, § 53, urgency);

Operative October 7, 2005.

Case No.: 04-RL-9721-11, 05-RL-9721-03

School Accountability Report Cards I

NOTICE OF *SECOND* RECONSIDERATION,
DRAFT STAFF ANALYSIS, AND HEARING
SCHEDULE

HEARING DATE: January 26, 2006

TO: Bakersfield City School District
Sweetwater Union High School District
Department of Education
Department of Finance
State Controller's Office
Legislative Analyst
Interested Parties and Legislative Committees

Statutes 2005, chapter 677, section 53 (SB 512, eff. Oct. 7, 2005), amends the earlier reconsideration statute on the *School Accountability Report Cards* (97-TC-21) mandate. Statutes 2004, chapter 895, section 18 (AB 2855) required the Commission on State Mandates to reconsider its original decision, and amend its parameters and guidelines for calculating the state reimbursement for that mandate pursuant to section 6 of article XIII B of the California Constitution by December 31, 2005. The Commission adopted a Statement of Decision on reconsideration at the July 28, 2004 hearing. The Commission must now, by January 31, 2006, reconsider Statutes 1997, chapter 912, which was not originally included in the AB 2855 reconsideration statute, as well as amend the reimbursement period for the reconsidered test claim to conform with the express language of SB 512.

Administrative Record

The administrative record for reconsideration will consist of the original test claim and related filings and exhibits, staff analyses, decisions, parameters and guidelines, State Controller's Claiming Instructions, statewide cost estimate, and reconsideration directed by Statutes 2004, chapter 895 (AB 2855), minutes and transcripts of the Commission on State Mandates. The record will be supplemented by all correspondence, public comments and briefs filed pursuant to this notice of reconsideration.

The Commission will post this notice on its website (www.csm.ca.gov) on November 14, 2005. When this website is updated, email notices will be sent to those persons who have signed up for the electronic mailing list.

Commission members shall receive copies of the administrative record of the original test claim proceedings (including parameters and guidelines and statewide cost estimate), and all documents on the first and second reconsiderations, including the draft staff analysis, comments and briefs filed by interested parties, interested persons, and affected state agencies, and the final staff analysis and exhibits.

Mailing List

This notice is being e-mailed to the electronic mailing list created for the first reconsideration. As with the first reconsideration, there is no lead claimant and the Legislature is the requestor.

Legislative Direction for Reconsideration

Statutes 2005, chapter 677, section 53 (SB 512), chaptered as urgency legislation on October 7, 2005, follows (changes to AB 2855 indicated in underline and strikethrough):

Section 18 of Chapter 895 of the Statutes of 2004 is amended to read:

Sec. 18. (a) Notwithstanding any other law, the Commission on State Mandates shall, on or before December 31, 2005, for paragraphs (1) to (5), inclusive, and on or before January 31, 2006, for paragraph (6), reconsider its decision in 97-TC-21, relating to the School Accountability Report Card mandate, and its parameters and guidelines for calculating the state reimbursement for that mandate pursuant to Section 6 of Article XIII B of the California Constitution for each of the following statutes, particularly in light of federal and state statutes enacted and state court decisions rendered since these statutes were enacted:

- ~~(a)~~(1) Chapter 1463 of the Statutes of 1989.
- ~~(b)~~(2) Chapter 759 of the Statutes of 1992.
- ~~(c)~~(3) Chapter 1031 of the Statutes of 1993.
- ~~(d)~~(4) Chapter 824 of the Statutes of 1994.
- ~~(e)~~(5) Chapter 918 of the Statutes of 1997.
- (6) Chapter 912 of the Statutes of 1997.

(b) Notwithstanding any other provision of law, the decision of the Commission on State Mandates on its reconsiderations pursuant to subdivision (a) shall apply retroactively to January 1, 2005.

(c) Notwithstanding any other provision of law, the parameters and guidelines associated with the test claim of 97-TC-21 shall be adjusted to conform to the decision of the Commission on State Mandates on its reconsiderations.

Draft Staff Analysis and Comments

The draft staff analysis and any new supporting documentation will be posted to the Commission's website simultaneously with this notice.

Interested parties, affected state agencies, and interested persons are invited to file comments with the Commission on the draft staff analysis by December 12, 2005.

An original and one copy or an original and a .pdf file shall be submitted to the Commission. The pdf file shall be emailed to www.csminfo.ca.gov. The comments will be posted on the Commission's website. This will satisfy all the service requirements under California Code of Regulations, title 2, section 1181.2.

Comments on the draft staff analysis must comply with the following requirements:

- Assertions or representations must be supported by documentary evidence and must be authenticated by declarations under penalty of perjury signed by persons who are authorized and competent to do so and must be based upon the declarant's personal knowledge or information or belief.
- If the comments cite to federal or state laws, regulations, executive orders, or court decisions, copies of those documents must be included in the filing. Court decisions that involve the Board of Control or the Commission on State Mandates are exempt from this requirement.

Commission Hearing – January 26, 2006

The Commission will hear and determine this reconsideration and may adopt the proposed Statement of Decision on **January 26, 2006**. A final staff analysis and proposed Statement of Decision on the reconsideration will be issued and posted to the Commission's website on or about **January 13, 2006**. If the proposed decision is not adopted, it will be set for adoption at the **March 30, 2006** hearing.

The hearing procedures in article 7 of the Commission's regulations in effect at the time of the hearing will apply to this reconsideration. Since this reconsideration was directed by statute and not requested pursuant to Government Code section 17559, subdivision (a), the hearing procedures set forth in section 1188.4 do not apply in this case. (Cal. Code of Regs., tit. 2, § 1188.4, subd. (j), eff. Sept. 6, 2005.)

Representatives of interested parties and affected state agencies and the Legislature will be asked to notify the Commission staff if they wish to testify. Time limits may be imposed if necessary.

Parameters and Guidelines

The Commission, if necessary, shall revise its parameters and guidelines to be consistent with this reconsideration. A prehearing conference may be scheduled if requested by any party. See sections 1183.04 and 1187.4 of the Commission's regulations.

If you have any questions regarding this matter, please contact Nancy Patton at (916) 323-8217.

Dated: November 14, 2005

PAULA HIGASHI, Executive Director